(1)

15th Pet. Ct. -

Peter Wolner

MOTION TO DE TRIAL JUDGE

Comes now Settlement Class member Peter Wolner, pro se, moves to disqualify the Presiding Trial Judge from to Rule 91a pro. and Govt. Admin 2.336 and shows

(1) Pow today Sept 14, 2024 hearing, the Court questioned Wolner concerning legal authority he presented and criticized Wolner concerning the citation of Bigger v. Kirby Pest Control (Rule Square)

(2) Immediately thereafter in explaining the Court's

(1)

different treatment of opposing counsel, Mr. Scarola, the court expressly ANNUNCIATED IN SUBSTANCE, AND TO THE BEST OF Wolinsky's recollection:

"Mr. Scarola has appeared before me many times, and he has on other occasions, given me case authority that is superior so I don't need to question him like I just questioned you."

3. Wolinsky immediately made an oral motion to disqualify and proffered how Wolinsky has an objective fear that he will not get a fair trial before this Judge. AND THAT ALL SIMILARLY situated individuals - in the same position as Wolinsky - in that they HAD NEVER

personally appeared before this trial court Judge - were, before the trial or hearing ever began - would be prejudiced against - and at a disadvantage - even if compared to an attorney of whom the Trial court Judge was "FAMILIAR" WITH - BY PERSONAL PRIOR EXPERIENCE with interacting with Mr Scudder - And that Any Litigant - pro se / self-represented - or even a pro hac vice or other licensed Attorney - who had never previously Appeared before this trial court Judge - would have A more difficult evaluation AND a higher burden to pass

merely because this Judge ④
gives Bonds print to or
extra consideration to Attorneys
such as Mr Scarola and specifically
Mr Guardia, Because there is Bonds
Counsel in this case —
~~Any~~ ANY RATIONAL PERSON
WOULD HAVE ~~ADOPTED~~
~~THE SAME~~ OBJECTIVE fear.

4. The Basis of this motion is not
merely an adverse ruling, ~~the~~
disagreement concerning the
Binger Opinion (as it relates to
whether prejudice could be
cured by less severe
methods than excluding
evidence - witnesses in Binger
or ~~test~~ Documentary evidence
in this case - and a legion
of other Florida appellate
opinions that permit clarification
and discovery during weekends

while a trial is in progress
(actually - in recess between
successive Days of a trial).

RATHER - the court expressly
stated that it accords opposing
counsel greater credibility because
OF the trial court Judge's
personal prior experience with
that attorney in other cases.

(This is in contrast to how one
litigant/counsel can lose credibility
merely by failing to obey court
rules and orders - be subject to
orders to compel Discovery - violate
these orders - be found in contempt -
And thereafter be subject to
sanctions.

(5) the Court's statement evinces in
whether an objectively reasonable
fear that opposing counsel's
legal representations and authority
will be credited not based on their
inherent logic, but instead - based
upon the court's prior

relationship and experience (6)
with opposing counsel, Mr. Scarola. While
Woliner, a pro se litigant - who
has never Appeared in any other
case before this trial court
Judge, will be subjected to
Materially different Scrutiny
And that extra scrutiny
substantially affects the perception
that Woliner has - and frankly -
that any similarly situated person
would have (pro se - never appeared
before this trial court Judge -
when opposing counsel has
HAD multiple prior
experiences in common with this
Judge - and As part of this
ongoing
Dual Judge - Miscarola relationship - there is a reasonable
fear of not getting a
fair trial - because
of the materially different
Scrutiny applied by this
trial court Judge

6. Wilner therefore reasonably fears that he cannot receive the "cold neutrality" of an impartial judge in this proceeding. The facts stated above would place a reasonably prudent person in the same fear of not recieving a fair ~~trial~~ And impartial hearing.

7. This motion is made immediately after the statement giving rise to the Motion - and during a recess of the hearing - and is therefore timely.

WHEREFORE Kenneth Wilner respectfully requests that

(A) the Court enter an order determining that this Motion is LEGALLY SUFFICIENT

under rule 2.330 (E)

And the Standards For

Initial Disqualification

Rowland v. Racetrac Petroleum Inc 220 So.3d 1282 (Fla 1st DCA - 2017) Judge comment that a party had misrepresented or lied entitles petitioner to writ of prohibition

Davis v. Stoke 347 So.3d 317 (Fla 2022) - Ruling that under harmless error analysis the error was harmless

Khine v. Progressive Corp. 165 So.3d 812 (Fla 1st DCA) Factual findings that judge's comments about bias for or against attorney

And [B] THIS COURT ENTER AN ORDER OF Disqualification pursuant to Fla. R. Gen. Prac. Jud. Adm. 2.330

And [C] TAKE NO FURTHER ACTION EXCEPT that permitted following a legally sufficient motion for Disqualification

Verification.

Under penalties of perjury I declare that I have read the foregoing Initial Motion for Trial Court Disqualification and that the facts stated in it are true - and that the factual allegations concerning what occurred in this Court today →

(9)

Are true and correct to the best of my present ability to recollect and remember.

Kenneth Wollner 9/14/26

KENNETH WOLLNER date

pro se
Settlement class member
and objector
23086 Island View #6
~~BOCA RATON~~ BOCA RATON FL 33433

Parties will make copies to serve

Certificate of service to all parties